

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Zohar CDO 2003-1, Ltd.; Zohar II 2005-1, Ltd.; and
Zohar III, Ltd.,

Plaintiffs and Counterclaim
Defendants,

v.

Patriarch Partners, LLC; Patriarch Partners VIII, LLC;
Patriarch Partners XIV, LLC; Patriarch Partners XV,
LLC; Octaluna LLC; Octaluna II LLC; Octaluna III
LLC; Ark II CLO 2001-1, LLC; Ark Investment
Partners II, L.P.; and Lynn Tilton,

Defendants, Counterclaim
Plaintiffs, and Third-Party
Plaintiffs,

v.

MBIA INSURANCE CORPORATION; MBIA, INC.;
ALVAREZ & MARSHAL ZOHAR MANAGEMENT,
LLC; U.S. BANK, N.A.; CREDIT VALUE
PARTNERS, LP; HALCYON CAPITAL
MANAGEMENT LP; COÖPERATIEVE
RABOBANK U.A., and VÄRDE PARTNERS, INC.,

Third-Party Defendants.

No. 1:17-cv-00307 (WHP)

**NOTICE OF THIRD-PARTY DEFENDANTS MBIA INSURANCE CORPORATION'S
AND MBIA INC.'S MOTION TO DISMISS THIRD-PARTY COMPLAINT**

PLEASE TAKE NOTICE that MBIA Inc. and MBIA Insurance Corporation (collectively, "MBIA" or "Defendants") respectfully move this Court, before the Honorable William H. Pauley III, at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007, for an Order dismissing the above-captioned action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In further support of this Motion, MBIA relies on

Defendants' Memorandum of Law in Support of Their Motion to Dismiss Third-Party Complaint, the Declaration of Joshua P. Arnold, dated December 22, 2020, and the exhibits and all other papers submitted therewith.

Dated: December 22, 2020
New York, New York

Respectfully submitted,

CADWALADER, WICKERSHAM & TAFT LLP

By: /s/ Joshua P. Arnold

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